

U.S. Serial No. 09/492,725

PATENT
Attorney Docket No.: PD-980142REMARKS

The applicants have carefully considered the official action dated October 4, 2005, and the references it cites. Claims 18-34 and 41-47 are pending and at issue in this application, of which claims 18, 24, and 41 are independent. In the official action, claims 18-34 and 41-47 were rejected under 35 U.S.C. § 102(b) as anticipated by Gerace. Claims 18-34 and 41-47 were also rejected under 35 U.S.C. § 102(b) as anticipated by van Hoff et al. In addition, claim 43 was objected to as including a typographical error. In view of the foregoing amendments and the following remarks, the applicants respectfully traverse the rejections and submit that pending claims 18-34 and 41-47 are in condition for allowance. The applicants respectfully request reconsideration of this application.

By way of the foregoing amendments, the applicants have amended claim 43 to address a typographical error by changing "include" to "includes." The applicants have also amended claim 41 to clarify the scope of protection sought. No new matter has been added. On appeal, the Board of Patent Appeals and Interferences affirmed the rejection of claims 35-40. Accordingly, by way of the foregoing amendments, the applicants respectfully request cancellation of claims 35-40 without prejudice.

Turning to the art rejections, the applicants respectfully submit that independent claim 18 is allowable over the art of record. Claim 18 is directed to a system that includes, *inter alia*, a first software routine adapted to be executed by a processor to receive advertising objects and image objects from a transmitted data stream. The applicants respectfully traverse the examiner's assertion that the art of record teach a system having a software routine to receive advertising objects and image objects from a transmitted data stream as recited in claim 18. On the contrary, Gerace teaches a server (27) having an object-oriented program (31) that creates various objects based on information received by the server (27). *Gerace*, p. 10, ll. 4-8 and p. 27, ll. 3-16. Gerace does not teach or suggest receiving data

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objects, but instead teaches creating data objects at the server (27). *Id.* Nor does Gerace teach or suggest transmitting data objects. Instead, Gerace teaches using objects at the server (27) to form screen views that are transmitted and displayed to end users. *Gerace*, p. 13, ll. 23-25; p. 15, ll. 15-17; and p. 25, ll. 35-37 through p. 26, ll. 1-6. It is readily apparent that, contrary to the examiners assertion, Gerace does not teach or suggest a first software routine adapted to be executed by a processor to receive advertising objects and image objects from a transmitted data stream as recited in claim 18.

Van Hoff et al. also fail to teach or suggest a first software routine adapted to be executed by a processor to receive advertising objects and image objects from a transmitted data stream as recited in claim 18. On the contrary, van Hoff et al. teach a client computer (100) that locally generates object instances of object classes. *van Hoff et al.*, col. 3, ll. 44-45; col. 5, ll. 38-39; col. 6, ll. 17-18, 60-61. The client computer (100) does not receive advertising objects, but instead includes a plurality of pointers (212-1, 212-2, ..., 212-N) that point to ad lists (162, 170) and locally generate objects based on the pointed to ad lists (162, 170). *van Hoff et al.*, col. 6, ll. 59-61. As is consistent with the teachings of van Hoff et al., obtaining information from the ad lists (162, 170) does not constitute receiving an object as recited in claim 18.

The examiner appears to contend that the applets (310) taught by van Hoff et al. are objects. However, as is well known in the art, applets are Java-based programs, not objects. *van Hoff et al.*, col. 7, ll. 10-11 (applets may include only a single line procedure call). Further, construing objects to mean the applets (310) is inconsistent with the teachings of van Hoff et al. because although, as noted above, van Hoff et al. clearly define objects (126) and teach how the client computer (100) locally generates the objects (126), van Hoff et al. do not teach or suggest that the applets (310) are objects. *van Hoff et al.*, col. 3, ll. 44-45; col. 5, ll. 38-39; col. 6, ll. 17-18, 60-61.

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Further, neither Gerace nor van Hoff et al. teach or suggest a second software routine to select a first group of advertising objects from received advertising objects based on a local condition as recited in claim 18. Instead, Gerace teach forwarding to end users screen views including only those advertisement that are to be displayed. *Gerace*, p. 28, ll. 25-34 (at server (27) only those advertisements that are appropriate for a logged-in user and are to be displayed are included in the assembled screen views forwarded to the user). Gerace teaches generating a plurality of criteria for each user to ensure that an end user's computer receive only those advertisements that are appropriate for the respective user based on the generated criteria. *Gerace*, p. 3, ll. 1-24; p. 10, ll. 29-37 and p. 11, ll. 1-7 and 21-24; p. 22, ll. 30-33 (psychographic or demographic profile information enables the program (31) at server (27) to customize presentation of information, per user, for display to the user). Because the end user computers taught by Gerace receive only those advertisements that are deemed appropriate to a logged-in user and that are to be displayed, Gerace do not teach or suggest, nor would there be any need for, selecting a first group of advertisements. Similarly, van Hoff et al. teach receiving via the client computer (100) only the advertisement information that it is instructed to display. *van Hoff et al.*, col. 4, ll. 22-26. Because van Hoff et al. teach receiving via the client computer (100) only the advertisement information that it will display at any given time, van Hoff et al. do not teach or suggest, nor would there be any need for, selecting a first group of that advertisement information.

If the examiner elects to maintain his position, the applicants respectfully request that the examiner provide some evidence specifically pointing out how the references teach each and every element recited in claim 18. As noted above, neither Gerace nor van Hoff et al. teach or suggest a first software routine adapted to be executed by a processor to receive advertising objects and image objects from a transmitted data stream as recited in claim 18. As further noted, each of Gerace and van Hoff et al. fail to teach or suggest a second software

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routine to select a first group of advertising objects from received advertising objects based on a local condition as recited in claim 18. Accordingly, the applicants respectfully submit that independent claim 18 and claims 19-23 dependent thereon are in condition for allowance.

The applicants respectfully submit that independent claim 24 is also in condition for allowance. Claim 24 is directed to a method and recites, *inter alia*, selecting a received advertising object and its linked image object from a transmitted data stream. As noted above in connection with claim 18, the applicants respectfully submit that none of the art of record teaches or suggests receiving advertising objects from a transmitted data stream.

Claim 24 also recites, *inter alia*, discarding a received advertising object if it is not compatible with the receiver station. Neither Gerace nor van Hoff et al. teach or suggest discarding a received advertising object if it is not compatible with the receiver station as recited in claim 24. On the contrary, Gerace teaches receiving only advertisement information that is compatible with a user's computer system. As the examiner points out, Gerace teaches a user computer object (37b) that is used to indicate limitations and capabilities of a user's computer system. *Gerace*, p. 11, ll. 10-17. Gerace further teaches providing the limitations and capabilities indicated by the user computer object (37b) to the server (27) so that user's computer system can be provided with a home page (43) tailored for the user. *Gerace*, p. 31, ll. 9-20. In this manner, the user's computer system does not receive advertisement information that is not compatible therewith, thereby obviating the need to discard received advertisement information that is not compatible with the computer system.

Van Hoff et al. also fail to teach or suggest discarding a received advertising object if it is not compatible with the receiver station as recited in claim 24. Although van Hoff et al. teach deleting old object classes and replacing them with new object classes (*van Hoff et al.*, col. 7, ll. 52-56), this does not constitute deleting objects because they are not compatible

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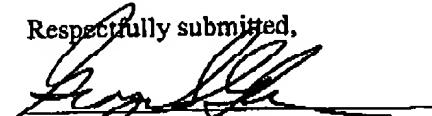
with the client computer (100). Further, the van Hoff et al. reference is completely devoid of any teaching or suggestion regarding compatibility of advertisement information with the client computer (100).

If the examiner elects to maintain his position, the applicants respectfully request that the examiner provide some evidence specifically pointing out how the references teach each and every element recited in claim 24. The applicants respectfully submit that for the foregoing reasons independent claim 24 and claims 25-34 dependent thereon are in condition for allowance.

The applicants respectfully submit that independent claim 41, as amended, is allowable over the art of record. Specifically, as noted above in connection with independent claims 18 and 24, none of the art of record teaches or suggests transmitting advertisement objects and image objects via a transmitted data stream. Accordingly, independent claim 41 and claims 42-47 dependent thereon are in condition for allowance.

In view of the foregoing, the applicants respectfully submit that this application is in condition for allowance. If there are any remaining matters that the examiner would like to discuss, the examiner is invited to contact the undersigned representative at the telephone number set forth below.

Respectfully submitted,



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